BEFORE THE IN RE: PETITION FOR ZONING VARIANCE SE/S Fitch Lane, 1850' SW of DEPUTY ZONING COMMISSIONER Fitch Avenue (7617 Fitch Lane) 14th Election District OF BALTIMORE COUNTY 6th Councilmanic District Case No. 88-436-A The Howard Fitch Company Petitioner FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of 12 feet in lieu of the required 30 feet, and a distance between structures of

12 feet in lieu of the required 60 feet, as more particularly described on Petitioner's Exhibit 1. The Petitioner, the Howard Fitch Company, by Meredith Howard, General

Partner, and Contract Lessee, the Washington/Baltimore Cellular Telephone Company, by Emilienne O'Rourke, Real Estate Manager, appeared, testified, and were represented by Stephen J. Nolan, Esquire. Also appearing on behalf of the Petition were: Jerry Bialecki, System Engineer and Joseph E. Joyce, Construction

Manager, both employed by the Contract Lessee, and David Ransone, Registered Land Surveyor with Gerhold, Cross and Etzel. There were no Protestants.

Testimony indicated that the subject property, zoned M.L.-I.M., consists of 2.66 acres, plus or minus, and is located at 7617 Fitch Avenue practically abutting the Baltimore Beltway I-695. Testimony indicated that the Washington/ Baltimore Cellular Telephone Company, hereinafter referred to as Cellular One, has entered into a 20-year lease agreement with the Howard Fitch Company author-SQ izing its erection of a 150' monopole transmitting and receiving tower on the

a subject property. Ms. O'Rourke testified that Cellular One has been looking for additional sites for the past 3 years and has investigated the subject site since June 1987. She indicated that an additional tower has been needed in the area since last summer. She further indicated that they have made a diligent search for

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section __255.1 and 238.2 to permit a side yard setback of 15 feet in lieu of the required 30 feet setback and to permit a distance between structures of 12 feet in lieu of the required 60 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Under Section 253.1B.19 as adopted by Bill No. 64-86, wireless transmitting or receiving structures 200 feet or less in height are permitted as a matter of right. However, technological considerations and site constraints severely restrict and limit tower placement on this site. The grant of the requested setback will permit use of a shorter, slimmer public utility monopole tower.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of G1410. Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affilm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: Washington/Baltimore N 24,570 The Howard Fitch Company E 30,500

Cellular Telephone Company (Type or Print Name) Kmiliani Okawke Signature Real Estate Manager By: Felly M. Amurell Kathryn M. Howard, General Partner (Type or Print Name)

7855 Walker Drive, Suite 100 City and State

Greenbelt, Maryland 20770 Attorney for Petitioner: Stephen J. Nolan (Type or Print Name) Nolan, Plumhoff & Stephen Milliams, Chtd.

Ste. 1105, 300 East Joppa Road Attorney's Telephone No.: _(3011_823-7800_

ESTIMATED LENGTH OF HEARING

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

AVAILABLE TOE PROTECT MONTHS

MON./TUES./MED. - MEAT THE MONTHS

c/o Howard Plumbing Company, Inc.

Towson, Maryland 21204 494-8855

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name Suite 1105, 300 East Joppa Road Towson, Maryland 21204 823-7800

Kathryn M. Howard

City and State

105 W. Chesapeake Avenue

Stephen J. Nolan, Esquire

other locations in the area where no variances would be required. However, none of those sites were suitable for a monopole tower. Ms. O'Rourke testified that the Petitioner will comply with all applicable Federal, State, and County regulations concerning construction and use of the subject tower. Mr. Bialecki's testimony, by proffer, further supported the Petitioner's contention that there is a need for a monopole tower in the area.

Mr. Joyce testified that after surveying the property and testing the soil in various locations on the proposed site, the location selected is the only acceptable area for placement of the monopole tower. All of Petitioner's witnesses testified and presented testimony indicating that practical difficulty and unreasonable hardship would be suffered by Cellular One if the variances were not permitted.

Mr. Ransone testified that he had performed a property line survey of the subject property and that the variances requested are accurate. He further testified that the photographs introduced as Petitioner's Exhibit 3 are a fair and accurate representation of the surrounding area. In response to the comments submitted by the Office of Planning, Mr. Ransone testified that in no instance will the tower be within 200 feet of any residentially zoned property. He indicated that the closest residential zone is 300 feet.

Mr. Howard testified that a landscaping and plumbing business is currently operated from the existing improvements on the premises. He indicated that in his opinion, the location of the monopole tower is compatible with the agea. The tower will be constructed close to his showroom and offices. In fact, his company will be leasing space in an adjoining building to Cellular One for the storage of necessary equipment. He further indicated that he has discussed , the project with the adjoining property owner, Elmer W. Fitch. Mr. Fitch resides on the adjacent property which is also zoned M.L.-I.M. Mr. Howard indicated that Mr. Fitch has no objection to the use proposed. To support his testimony, Petitioner introduced as Petitioner's Exhibit 7 a letter of support

GERHOLD, CROSS & ETZEL

Registered Professional Land Surveyors

412 DELAWARE AVENUE

TOWSON, MARYLAND 21204

823-4470

Zoning Description

All that piece or parcel of land situate, lying and being in

Beginning for the same at the southern end of Fitch Lane at

7617 Fitch Lane

the Fourteenth Election District of Faltimore County, State of Maryland

a point 1,850 feet measured southerly along Fitch Lane from the center

of Fitch Avenue and running thence and crossing the end of Fitch Lane,

South 75 degrees 33 minutes 37 seconds East 30 feet, thence running the

seven following courses and distances viz: South 30 degrees 44 minutes

05 seconds East 12.62 feet, South 40 de rees 2) minutes 46 seconds East

42.03 feet, South 61 degrees 57 minutes 37 seconds East 251.59 feet, South 37 degrees 35 minutes 19 seconds East 320.37 feet, South 1 degree 35 minutes 41 seconds West 305.00 feet, North 85 degrees 11 minutes 19

seconds West 135.77 feet and North 29 degrees 35 minutes 20 seconds West 55.95 feet to the northeast right of way of the baltimore reltway, thence binding on said right of way, the four following courses and distances

viz: North 11 degrees 50 minutes 39 seconds West 262.49 feet, North 25

utes 19 seconds West 100.00 feet and North 40 degrees 20 minutes 48

seconds West 203.58 feet and thence running the two following courses and distances viz: North 30 degrees 44 minutes 05 seconds West 19.62

feet and North 14 degrees 26 minutes 23 seconds East 15.40 feet to the

Containing 2.66 Acres of land more or less.

degrees 46 minutes 29 seconds West 150.33 feet, North 29 degrees 35 min-

JOHN F. ETZEL

WILLIAM 6. ULRICH

EDROON T. LANGDON

DAVID E. RANSONE

and described as follows to wit:

place of beginning.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of April, 1988 that a side yard setback of 12 feet in lieu of the required 30 feet, and a distance between structures of 12 feet in lieu of the required 60 feet, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> 2) Petitioner shall at all times comply with all applicable Federal, State and County regulations concerning the construction and use of the monopole tower on the subject

> > Deputy Zoning Commissioner of Baltimore County

Cim M Nasterno. ANN M. NASTAROWICZ

Election District: 6th Councilmanic District THE HOWARD FITCH COMPANY, : Case No. 88-436-A

Petitioner

SE/S Fitch La., 1850' SW Fitch

Ave. (7617 Fitch Ave.), 14th

RE: PETITION FOR VARIANCE

::::::

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

ENTRY OF APPTARANCE

Phyllis Cole Friedman People's Counsel for Baltimore County

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 16th day of March, 1988, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esquire, Suite 1105, 300 E. Joppa Rd., Towson, MD 21204; Attorney for Petitioner; and Emilienne O'Rourke, Real Estate Manager, Washington/Baltimore Cellular Telephone Co., 7855 Walker Dr., Suite 100, Greenbelt, MD 20770, who requested notification.

Lille Collinson Peter Max Zirmerman

Stephen J. Rolan, Esquire

Towson, Maryland 21204

Holan, Plumhoff & Williams

300 E. Joppa Road, Suite 1105

(7517 Fitch Lane)

Case No. 88-436-A

noted in the attached Order.

cc: Ms. Emilienne O'Rourke

Mr. David Ransone Gerhold, Cross & Etzel

People's Counsel

file

NOTICE OF HEARING The Zunang Communicator of &

namer County, by authority of the Lining Act and Regulations of Balte more County will hold a public

hearing on the property identified herein in Room lib of the County Office Budding, liceted at 112 W. Chesapeaks Avenue in Towson.

Pressur for Zuning Variano

Caur mumber 86-416-A SES Fish Lane, IRST SW

14th Einstein Dietrict ---

art Councilmone Destrict

Company Hearing Date Friday, April 8, 1996 at 12:00 p.m. (minor)

Variable to persuit a side yard set

hack of 12 feet in how of the require

ID had written's and to permit a dis-

taken between structures of 12 hert in here of the required 40 hert

in the event that this Prisities is

granted, a bushing permit they be maind within the thirty (32) day ap-

post period. The Zoning Commis-

numer will, however, entertain and request for a stay of the managem of

and permit during this period to good cause shows buch reques

In british has patient as at laune

this office by the date of the hearing

set above or presented at the hear-

I ROBERT HAINE

laryland as follows:

Frich Avenue (76)7 Frich Avenuel

Dear Mr. Nolans

RE: Petition for Zoning Varianca

SE/3 Fitch Lane, 1850' SW of Fitch Avenue

The Howard Fitch Company - Petitioner

14th Election District: 6th Councilmanic District

Washington/Baltimore Cellular Telephone Company

412 Delaware Avenue, Towson, Md. 21204

7855 Walker Drive, Suite 100, Greenbelt, Hd. 20770

Enclosed please find the decision rendered in the above-referenced case.

In the event the decision rendered is unfavorable to any party, please

Yery truly yours,

ANN M. NASTAROVICZ

of Baltimore County

Deputy Zoning Commissioner

The Petition for Zoning Variance has been Granted, subject to the restrictions

be advised that any party may file an appeal to the County Board of Appeals.

For further information on filing an appeal, please contact this office.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on

Muchal 10 98

THE JEFFERSONIAN.

Gusan Sender Obrest

TONING DEPARTMENT OF SALTIMORE COUNTY

I A A SHARE	
Posted for: Nortanics	Date of Posting 3/25/57
Positioner: The Hely of File	6 10
1817 111	Love 1800 m Fill Ara
Location of Signal Esting On proving I so sing I hocation Signa of File And File	to localistic Park St.
Remarks: 1- 150 files 519-4	
Posted bySignature Number of Signat	Date of return 3/25/29

PAUL & DOLLENBERG

PRED M. DOLLSHEERS

CARL L. GERHOLD

January 15, 1988

dated March 24, 1988 to the Zoning Commissioner from Mr. Fitch.

The Petitioner seeks relief from Sections 255.1, 238.2 and 102.2, pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is Clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

PUBLICATION

OF

CERTIFICATE

2

Baltimore County Zoning Commissioner Office of Planning & Zoning ·Towson, Maryland 21204

MAR O 1 1986

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Varience Case number: 88-436-A SE/S Fitch Lane, 1850' SW Fitch Avenue (7617 Fitch Avenue) 14th Election District- 6th Councilmanic District Petitioner(s): The Howard Fitch Company HEARING SCHEDULED: FRIDAY, APRIL 8, 1988 at 12:00 p.m. (noon)

Variance to permit a side yard setback of 12 feet in lieu of the required 30 fact setbeck and to permit a distance between structures of 12 feet in lieu of the required 60 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day annual naviad Coner will, however, entertain during this period for good BALTIMORE COUNTY, MARYLAND wed in this office by the date

January 28, 1988

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

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Blatere et 1950 to Seist

Raltimore County

Fire Department

Paul H. Reincke

Gent Lemen:

J. Robert Haines

Towson, MD 21204

Zoning Commissioner

Office of Planning and Zoning

Item No.: 268

Baltimore County Office Building

Re: Property Owner: The Howard Fitch Co.

of Public Works.

prior to occupancy.

() 6. Site plans are approved, as drawn.

Location: SE/S Fitch Lane, 1850' SW Fitch Avenue

Pursuant to your request, the referenced property has been surveyed by this

Bureau and the comments below marked with an "X" are applicable and resulted

() 1. Fire hydrants for the referenced property are required and shall be

() 3. The vehicle dead end condition shown at

() 4. The site shall be made to comply with all applicable parts of the

located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department

EXCRIDS the maximum allowed by the Fire Department.

Fire Prevention Code prior to occupancy or beginning of operation.

comply with all applicable requirements of the National Fire Pro-

tection Association Standard No. 101 "Life Safety Code," 1976 edition

5. The buildings and structures existing or proposed on the site shall

to be corrected or incorporated into the final plans for the property.

() 2. A second means of vehicle access is required for the site.

(X) 7. The Fire Prevention Bureau has no comments at this time.

494-4500

Towson, Maryland 21204-2586

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

Me. Kathryn M. Howard

The Howard Fitch Company

Towson, Meryland 21204

c/o Howard Plumbing Company 105 W. Chesapeake Avenue

Baltimore County

Date: 3-30-88

Res Petition for Zoning Verlance Case number: 88-435-A SE/S Fitch Lane, 1850* SW Fitch Avenue

(7817 Fitch Avenue) 14th Election District- 8th Councilmanic District Petitioner(s): The Howard Fitch Company HEARING SCHEDULED: FRIDAY, APRIL 8, 1988 et 12:00 p.m. (neon)

Deer Re. Howard:

Please be advised that $\frac{19870}{1}$ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND the sign and post set(s), there OFFICE OF FINANCE - REVENUE DIVISION each set not No. 50587

MISCELLANEOUS CASH RECEIPT DATE 4-7-58

VALIDATION OR BIGNATURE OF CASHIER

Bultimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204



February 18, 1988



Mr. J. Robert Haines

Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Huines:

The Bureau of Traffic Engineering has no comments for items number 258, 260, 261, 262, 263, 265, 266 and 268

Michael S. Flanigan Traffic Engineer Associate II

88-436-A

Control material activity and interest mentioned and activities are also as the control of the c

County Office Building Ill W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this let day of Ferruary , 1988 .

> J. Robert Haines ZONING COMMISSIONER

Petitioner The Howard Fitch Co.

THE

INTER-OFFICE CORRESPONDENCE

BALTIMORE COUNTY, MARYLAND

Mr. J. Robert Haines TO Zoning Commissioner

P. David Fields

FROM Director of Planning and Zoning

SUBJECT Zoning Petition No. 88-436-A

Bill No. 64-86 states, in part, that this type of tower is a permitted use in the M.L. zone provided that "The minimum setback from any boundary of a residential or R-O zone shall be 200 feet". It is the opinion of this office that this restriction applies to permitted uses and is not a normal area or height type requirement. Consequently, this office questions whether such a variance can be granted. Further, it would appear that the intent of the regulation is to preclude towers in proximity to residential lots.

April 5, 1988

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 1, 1988

'COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

MEMBERS

Department of

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Industrial

Zoning Administration

State Roads Commissio

Bureau of

Stephen J. Nolan, Esquire Suite 1105 300 East Joppa Road Towson, Maryland 21204

Item No. 268 - Case No. 88-436-A Petitioner: The Howard Fitch Company Petition for Zoning Variance

Dear Mr. Nolan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petit. 33. If similar comments from the remaining members are received. I will forward them to you. Otherwise, any comment that is not informative ward them to you. Otherwise, any comment that is not included will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

games & Dyerler JAMES E. DYER

Chairman Zoning Plans Advisory Committee

JED:dt Enclosures

REVIEWER: Little 1-21-15 Approved:

Planding Group

Special Inspection Division

Noted and

Fige Prevention Bureau

Dennis F. Rasmussen

Zoning Agenda: Meeting of 2/2/88

Petitioner's Attorney Stephen J. Holan, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

PETTING S

Cellular telephony provides two-way signaling and voice communications between mobile radiotelephones and the Public Switched Telephone Network (PSTN) or between mobile radiotelephones, through the combined use of radio frequencies and wireline transmissions.

The broadcast area for a cellular system is defined and licensed by the Federal Communications Commission. Unlike television or radio broadcast systems which utilize a single high-powered transmitter to cover an entire broadcast area, cellular systems divide the broadcast area into small cells (hence the name "cellular") and utilize multiple base site transmitter/receiver locations known as cell sites. The cellular system configuration and its voice channel (frequency) distribution must be arranged to serve subscribers using a maximum of 312 radio frequency channel pairs for voice channels. Channels are allocated among various cells in the system according to the distribution of subscriber traffic in those cells and as long as the total channels in the system are adequate for the subscriber load, they can be distributed in as many cells as desired. However, once the need for additional channels exceeds the frequencies available (312), and user density exceeds that which can be served with a simple cell layout, frequency re-use, through subdivision or sectorization of the cells, will be needed. When this happens, there is much less latitiude about where to put specific frequencies as it then becomes necessary to fit into a system-wide frequency re-use pattern.

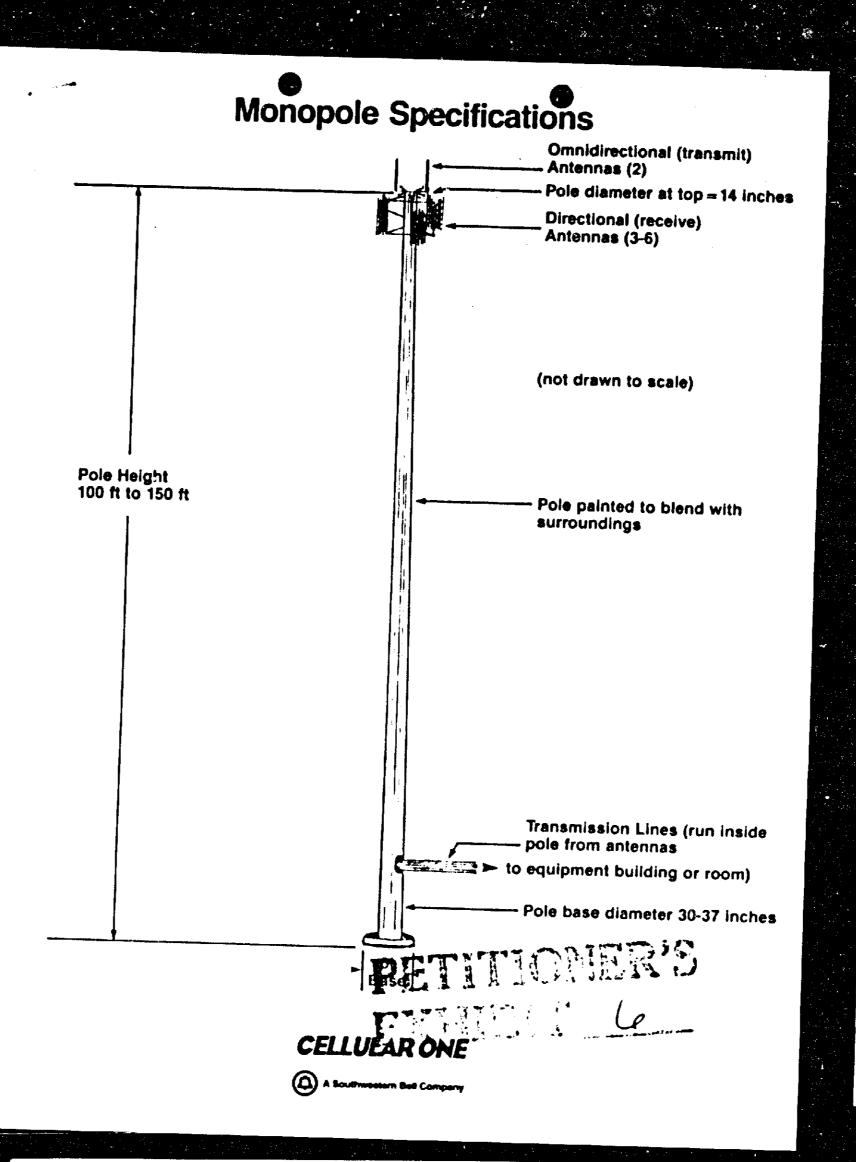
For any cellular re-use pattern, there exists an ideal grid of cell sites. Cells on these grid points will have optimum spacing from their co-channel cells. Any cell offset from its ideal point results in distortion of the usable coverage pattern from one or more co-channel cells. Local terrain features will also distort the re-use grid where they introduce variations in the normal path. Another limitation on defining the re-use grid for an area is the availability of actual cell sites as it is often necessary to compromise on cell site location.

The FCC allocates 333 channels for each cellular system. There are 312 voice channels after 21 calling (signaling) channels have been removed. The normal re-use pattern limits are determined by dividing 312 by the number of cells in a complete pattern. This results in the channels per cell site for uniform distribution within the pattern. The point at which cell subdivision is required will be determined by the user distribution in the area. It will usually not be possible to load all cell sites up to their maximum number of channels because distribution will seldom be uniform over the area. If user distribution is significantly skewed (as it is in the Baltimore and Washington Metropolitan Areas), certain cells will reach their capacity before others, and after all 312 channels have been allocated.

There are two types of transmit/receive patterns in cellular systems: omnidirectional (omni) and sector. Cell sites transmitting or capturing (receiving) signals in an omni pattern, transmit and receive equally in all directions in the 360 degree range of the cell site, whereas sector sites utilize directional antennas which transmit and receive from specific portions of the 360 degree range of the cell site. When an omni cell site is transmitting or receiving signals, the voice channel assignments for the calls



Cellular One Monopole



The Honorable J. Robert Haines

Zoning Commissioner for Baltimore County

County Office Building

111 West Chesapeake Avenue

Towson, Maryland 21204

Re: Case No.: 88-436-A

Petition for Zoning Variance

Petitioners: The Howard-Fitch Co.

and Cellular One

7615 Fitch Lane

March 24, 1988

Baltimore, Maryland 21236

Dear Commissioner Haines:

As the owner of the property at 7615 Fitch Lane, I am writing to you to advise you of my support of the requested zoning variance for Cellular One's proposed 150 foot communications tower on the property of the Howard-Fitch Company at 7617 Fitch Avenue.

It is my understanding that this matter is scheduled for a hearing on April 8, 1988 at 12:00 p.m. I have reviewed the Notice of Hearing and understand that a variance, if granted, would permit the 150 monopole tower to be erected within 12 feet of my common property line with The Howard-Fitch Company. I also understand that the required setback distance is 30 feet.

Because this area is zoned ML-IM, I believe that this proposed use would be consistent with the present industrial zoning. Because these properties are so close to the Baltimore Beltway, I do not believe that the proposed tower will have any adverse impact.

I may be unable to attend the hearing on April 8; however, I ask that you or the Deputy Zoning Commissioner make my letter a part of the file in this case. Thank you for your consideration of this matter.

Very truly yours,

Elmer W. Fitch

cc: Mr. Meredith Howard, President Howard-Fitch Company

Stephen J. Nolan, Esquire Attorney for Cellular One

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ter the primary

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN *
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
LOUIS G. CLOSE, III
THOMAS X. ALDERMAN
*ALSO ADMITTED IN D.C.

NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

OF COUNSEL

RALPH E. DEITZ

9026 LIBERTY ROAD

RANDALLSTOWN, MARYLAND 21133

(301) 922-2121

SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3012
(301) 823-7800
TELEFAX:(301) 296-2765

February 24, 1988

HAND DELIVERY

The Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Item No. 268
Petition for Zoning Variance on behalf of Washington/Baltimore Cellular Telephone Company, et al. Date Filed: January 19, 1988
Owner: The Howard Fitch Company REQUEST FOR EXPEDITED HEARING

Dear Commissioner Haines:

On January 19, 1988, I filed a Petition for Zoning Variance on behalf of our client, Washington/Baltimore Cellular Telephone Company doing business as Cellular One in order to permit a 150 foot self-supporting monopole communications tower. Cellular One desperately needs to install this tower as part of its growing cellular network in order to address the heavy volume of calls in this area of the Baltimore County Beltway and Belair Road just west of I-95.

In view of the fact that our client is a public utility, we had hoped that an early hearing date would be assigned by the Zonir, Office. However, on February 23, 1988, I learned from your Assignment Clerk, Ms. Gwendolin Stephens, that a hearing in this case has been unofficially listed for April 26, 1988. The purpose of this letter is to respectfully request that this case be assigned to an earlier date if your hearing docket permits. For your information, our petitioner's case is likely to take only one half hour and we are not anticipating any protestants given the highly commercial and industrial nature of this north side of the beltway situated as it is on The Howard Plumbing Company site. Furthermore, I have been advised by our client that the adjacent property owner which might conceivably be impacted by the tower has reviewed the site plan and indicated that he does not find it objectionable.

The Honorable J. Robert Haines February 24, 1988 Page 2

Consistent with the request, my partner, Newton Williams, has advised me that he may be speaking with your office today concerning a possible request to continue a hearing which originally had been set in his case for April 8.

We fully understand that your office is besieged with a heavy docket of zoning petition cases and that your office makes every effort to schedule cases as promptly as possible. Were it not for the special and emergency circumstances which this public utility client finds itself, we would otherwise not be requesting a hearing date earlier than the as yet unofficial April 26 date.

We sincerely appreciate your kind consideration of this request. If Ms. Stephens or any other member of your statf needs any additional information from us with regard to this case, we will immediately furnish the same.

With kind regards, I am

Stave Nolan

Stephen J. Nolan

SJN/emd

cc: Ms. Emilienne O'Rourke Real Estate Manager Cellular One

> Kathrine M. Howard General Partner The Howard Fitch Company

J EARLE PLUMHOFF
NEWTON A WILLIAMS
WILLIAM M HESSON, JR *
THOMAS J RENNER
WILLIAM P ENGLEHART, JR
STEPHEN J NOLAN *
ROBERT L HANLEY, JR
ROBERT S GLUSHAKOW
DOUGLAS L RUNGESS
LOUIS G CLOSE, III
THOMAS X ALDERMAN

S Q MI GETTIMOS GELS*

LAW OFFICES
NOLAN, PIA'MHOFF & WILLIAMS
CHARTSEND
SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD

SUITE HOS, HAMPTON PLAZA

300 EAST JOPPA ROAD

TOWSON, MARYLAND 21204-3012

1301) 823 7800

TELEFAR GOHENB 2765

February 17, 1988

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Request for Hearing

Re: Request for Hearing Case No.: 268

Dear Mr. Richards:

This will confirm that I spoke with your office yesterday, February 16, 1988, requesting a hearing date in the abovementioned case. I was informed that a hearing date would be determined within the next two weeks.

RALPH & DEITZ

9026 LIBERTY ROAD

RANDALLSTOWN, MARYLAND 20133

(30)) 922-2121

MZ/emd

cc: Ms. Emilienne O'Rourke Cellular One

of the second

Mr. W. Carl Richards, Jr.

Zoning Commissioner

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204

TO STUVE NOUNN

TRANSMITTAL LETTER

AITN

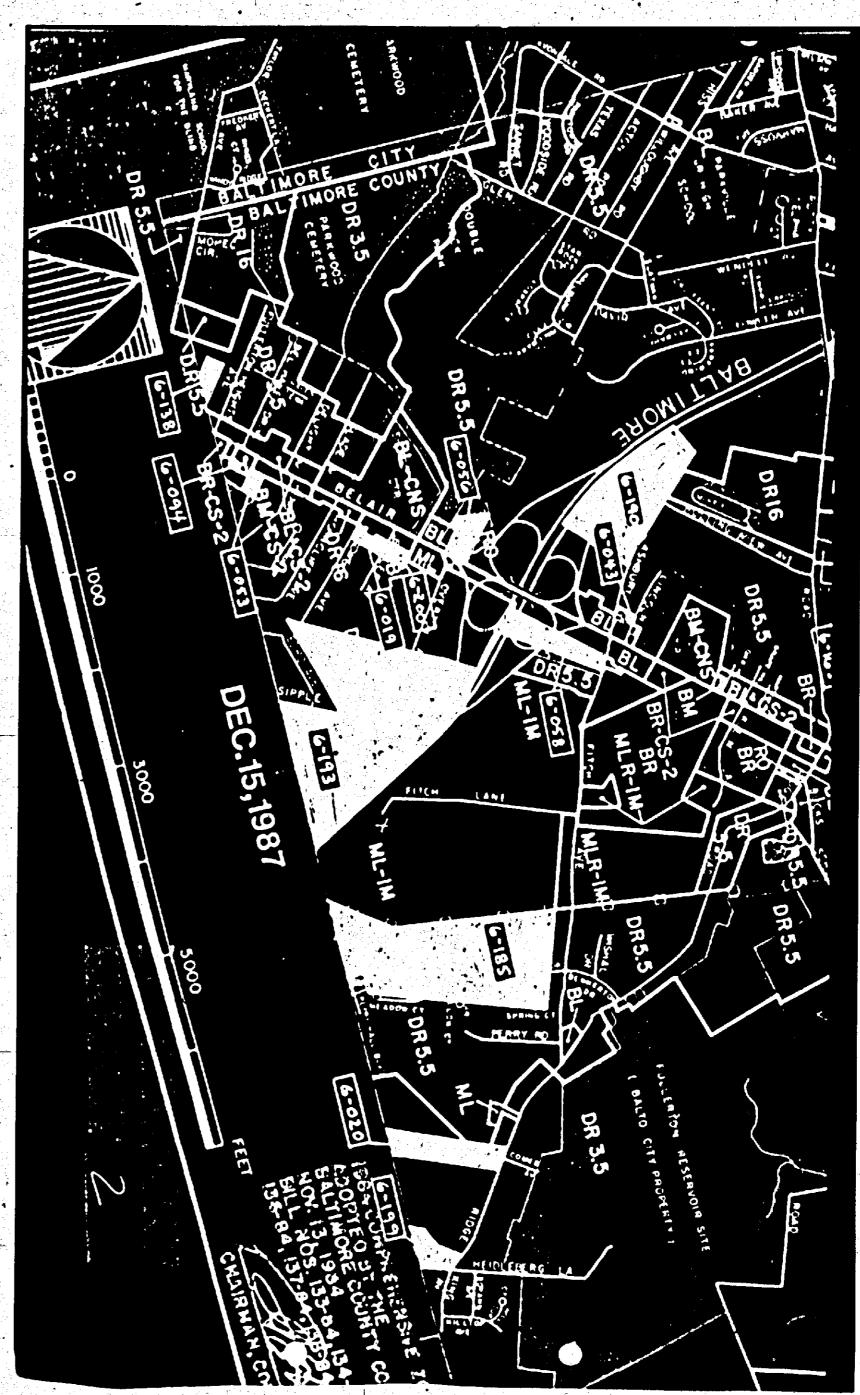
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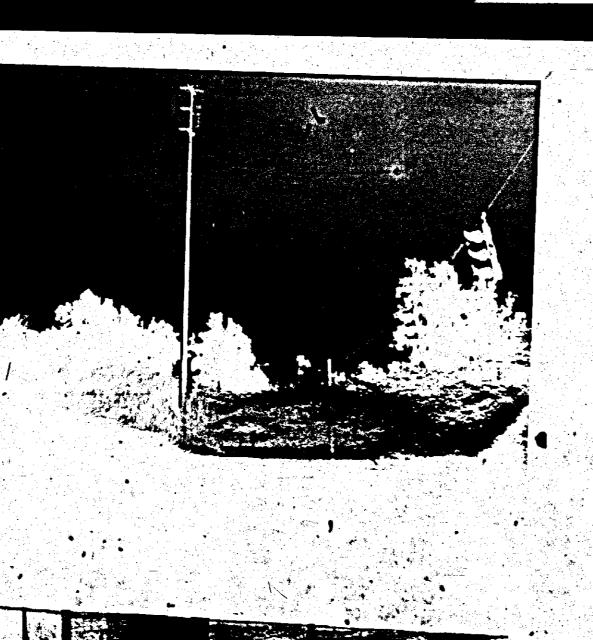
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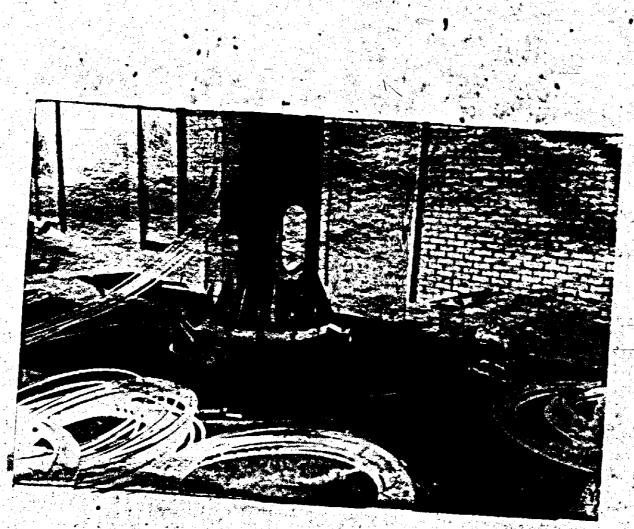
C. Capies Description

REMARKS









No. 88-436-A FITCH LANE, 1850'

CASE SE/S



